IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 35571 of 2007(I)

PETITIONERS:
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1. SAJI.T.P., AGED 34 YEARS,
S/O.PAPPAN, THUNDIYIL HOUSE, POOVATHUM MUTTU,
CHULLI P.O., KASARAGOD DISTRICT.

2. JOSEPH.K.T., AGED 45 YEARS,
S/O.DEVASSIA, KAROTTU VEEDU, KARUVALKAYAM,
NATTAKKAL P.O., KASARAGOD DISTRICT.

3. JAMES AUGUSTIAN, AGED 28 YEARS,
S/O.EAPPACHAN, ATTAKKULATH VEEDU,
CHULLI P.O., KARIOTICHAL, KASARAGOD DISTRICT.

4. JOHNSON, AGED 32 YEARS, S/O.AUGUSTIAN,
ATTAKKULATH VEEDU, KARIOTICHAL,
CHULLI P.O., KASARAGOD DISTRICT.

5. MATHAI.K.C., AGED 34 YEARS,
S/O.CHACKO, KONAYIL HOUSE, DARGHAS P.O.,
MALOM, KASARAGOD DISTRICT.

6. JOSE, AGED 41 YEARS, S/O.LUKOSE,
MUNDAPPUZHAVEEDU, MALOM, DARGHAS P.O.,
KASARAGOD DISTRICT.

7. SAJI.V.V., AGED 33 YEARS,
S/O.VARKEY, VETTIKKATHADATHIL,
CHULLI P.O., KARIOTICHAL, KASARAGOD DISTRICT.

8. SHIJU.V.K., AGED 25 YEARS,
S/O.KUNHIKANNAN, PANIYAR VEETTIL,
DARGHAS P.O., KASARAGOD DISTRICT.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS:
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1. **THE ASSISTANT LABOUR OFFICER,**
   KANHANGAD, KASARAGOD DISTRICT.

2. **THE SUB INSPECTOR OF POLICE,**
   VELLARIKUNDU, VELLARIKUNDU P.O.,
   KASARAGOD DISTRICT.

ADDL. R3: THE CHAIRMAN, KERALA STATE HEADLOAD WORKERS WELFARE FUND BOARD, KASARAGOD. (IMPLEADED AS PER ORDER DATED 5.12.2007 IN I.A.NO.16169/07)

BY ADV. SRI.KOSHY GEORGE, SC, KHLWWB
GOVERNMENT PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)No.35571 OF 2007

Dated this the 17th day of December, 2007

JUDGMENT

The petitioners are headload workers aspiring for registration under Rule 26A of the Kerala Headload Workers Rules, in Balal Panchayat, Hosdurg Taluk. According to the petitioners this is not a scheme covered area. They would also submit that some of the existing headload workers of the area have surrendered their identity cards and it is in those vacancies that they are seeking registration under Rule 26A. Exts.P11 to P18 are the applications submitted by the petitioners. The petitioners seek a direction to the 1st respondent to consider and pass appropriate orders on Exts.P11 to P18 in accordance with law.

2. I have heard the learned counsel for the petitioners, the learned Government pleader and the learned standing counsel appearing for additional 3rd respondent.

3. The standing counsel for the additional 3rd respondent would submit that even when the applications for registration is received in respect of an area not covered by a notified scheme and in respect of unattached workers also, the ALO is bound to hear other affected existing workers of the area. I am of opinion that I am not called upon to decide that question now in so far as it is for the 1st respondent to consider the applications for registration in accordance with the procedure prescribed by the Act and Rules.

4. In the above circumstances, I dispose of this writ petition with a direction to the 1st respondent to consider and pass appropriate orders on Exts.P11 to P18 in accordance with the procedure prescribed under the Kerala Headload Workers Act and Rules as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment. While doing so the 1st respondent shall consider the above contention raised by the additional 3rd respondent also.

5. The petitioners also seek a direction to the 2nd respondent not to interfere with the work being done by the petitioners till consideration of Exts.P11 and P18. I am of opinion that, that is a matter, which the petitioners have to

take up in a petition for police harassment before the Division Bench. The petitioner would be at liberty to seek appropriate reliefs in such a petition.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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